

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

March 19, 2012 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Chad Mitchell, Chairman
Carl Ford, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Jim Sides, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Mitchell convened the meeting at 6:00 pm.

Commissioner Coltrain provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the March 5, 2012 Special Meeting and the March 5, 2012 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Sides moved, Commissioner Coltrain seconded and the vote to add a request to the Consent Agenda for submittal of a grant from the NC 9-1-1 Board by the Telecommunications Department passed unanimously.

Chairman Mitchell added the issue to the Consent Agenda as item G.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Ford moved, Commissioner Sides seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Sides moved approval of the Consent Agenda. The motion was seconded by Commissioner Barber and passed unanimously.

The Consent Agenda consisted of the following:

- A. Set Public Hearing for April 16, 2012 for CUP 01-11 Amendment
- B. Set Public Hearing for April 2, 2012 for Z 01-12
- C. Set Public Hearing for April 16, 2012 for Z 02-12
- D. Authorize EMS Division to Pursue Technology Equipment Grant with Cannon Family Foundation
- E. Proclamation for Relay for Life for "Paint the County Purple" Day
- F. Construction Contract for 911 Call Center
- G. Authorization for Telecommunications Department to Apply for Grant from NC 9-1-1 Board (added to the agenda)

2. PUBLIC COMMENT PERIOD

Chairman Mitchell opened the Public Comment Period to entertain comments from any citizens wishing to address the Board.

Due to the number of citizens that had signed up to speak, Commissioner Barber made a motion to extend the Public Comment Period. The motion was seconded by Commissioner Ford and passed unanimously.

The following individuals came forward:

- Robert Haynes spoke in support of the Board continuing to open meetings with sectarian prayer
- Larry Wright spoke in support of the Board continuing to open meetings with sectarian prayer
- Jimmy Cooper spoke in support of the Board continuing to open meetings with sectarian prayer
- Joseph LaFave spoke in support of the Board continuing to open meetings with sectarian prayer
- Dr. Joel Ervin spoke in support of the Board continuing to open meetings with sectarian prayer
- Shawn Camplon asked the Board to reconsider the ramifications of continuing to open meetings with sectarian prayer
- Seth Holtzman spoke in opposition to the Board continuing to open meetings with sectarian prayer
- Harold Morefield spoke in support of the Board continuing to open meetings with sectarian prayer. Mr. Morefield also referred to agenda item #4 pertaining to Rescue Squad funding. Mr. Morefield said the agency had worked feverishly to provide the information that had been requested. Mr. Morefield said the Board could address any questions to him, other board members or the Rescue Squad's Attorney, Jeremy Carter.

- Mary Morales spoke in support of the Board continuing to open meetings with sectarian prayer

With no one else wishing to address the Board, Chairman Mitchell closed the Public Comment Period.

3. CONSIDER LETTER OF INTENT FOR PURCHASE OF FAIRGROUNDS PROPERTY (CONTINUED FROM MARCH 5, 2012)

Rowan County Fair Association (RCFA) Manager, John Love, said the Board had discussed the Letter of Intent (LOI) from the RCFA for the purchase of the fairgrounds property during regular session on March 5, 2012. The matter was tabled in order to allow board members the opportunity to review a new survey. Mr. Love said he had also spoken with Dr. Spalding at Rowan Cabarrus Community College (RCCC) and RCCC would be interested in granting the right of way.

Commissioner Coltrain said the topic had been discussed for a number of years and that he felt the transaction would be an enhancement to the quality of life for Rowan County's citizens.

Commissioner Coltrain moved to approve the transaction. The motion was seconded by Commissioner Barber.

Commissioner Sides said he had hoped a decision would be delayed. Commissioner Sides then read a letter from Robert Van Geons, Executive Director of the Rowan County Economic Development Commission (EDC). The letter asked the Commissioners to delay the sale in order to allow the EDC time to study the matter. Commissioner Sides felt the EDC should have the opportunity to review the matter and make a recommendation to the Board.

Commissioner Sides said he had gone to the site and walked the property. Commissioner Sides said there was timber on the property that he felt would be extremely valuable and that it would be to the County's advantage to have someone provide an estimate for the timber.

Commissioner Sides said if the Board considered selling the property, it should only be the 23 acres on Julian Road.

Commissioner Ford said he had also visited the site and he commented that the property next to the fairgrounds had sold for \$74,000 an acre. Commissioner Ford said the Board should consider selling half the property and the remainder later. Commissioner Ford agreed the County should harvest the timber for the money. Commissioner Ford also felt the EDC should be allowed to consider the matter for a few weeks to make a recommendation.

Commissioner Barber said the LOI offered provisions that allowed the County to assume the property back if indeed a greater offer was received than what the RCFA had offered. Commissioner Barber said if the County chose to accept a greater offer, the County would have to reimburse the RCFA for any improvements made. Commissioner Barber was of the opinion the LOI was a fair offer and would help preserve the rural characteristics in the rural parts of Rowan County. Commissioner Barber said the RCFA wanted to use the property as a site for the County's annual fair and also to hold other events that would add significantly to the economy in Rowan County. Commissioner Barber felt the Board should accept the offer.

Commissioner Sides said the first issue to him was why the County should sell the property for the same amount of money it was already receiving through the current lease with the RCFA. Commissioner Sides said the RCFA should pay for the property up front. Commissioner Sides felt if the County sold and financed the property, the County should control the sale of alcohol on the property.

Commissioner Ford said he could not support the sale if the RCFA was going to sell alcohol at events.

Commissioner Barber said the offer was fair to support the County's number one industry of agriculture.

Commissioner Ford called the question; however, Chairman Mitchell pointed out he had not yet had the opportunity to speak on the matter.

Chairman Mitchell referred to the Rowan County Fair Study (Study) performed in 2004 and said the Board was provided with the excerpt earlier in the day regarding the economic impact. Chairman Mitchell said the 2004 value was \$22,000 to \$27,000 per acre, which was before the economy "tanked". Chairman Mitchell felt the current offer was reasonable but said he did not mind the EDC reviewing the Study.

Chairman Mitchell said he preferred the offer be a clean sale but the RCFA had indicated it was not possible at the current time. Chairman Mitchell suggested selling 23 acres now for \$500,000 and allow the RCFA to use the parking lot across Julian Road. Chairman Mitchell said the RCFA could have the option for first refusal for the remaining property on the back side. Chairman Mitchell said Commissioners Ford and Sides had said they would support a flat out sale with no restrictions.

Mr. Love said he would have to take the Chairman's suggestion back to the RCFA Board. Mr. Love said the existing buildings were in bad shape but he knew it was not feasible for the County to repair them in the current economy.

Commissioner Coltrain asked if the County might consider reducing its price and Chairman Mitchell said it would be up to the RCFA Board to make a counter offer.

Commissioner Sides supported the sale of 23 acres for a price of \$500,000 to be paid at one time, to give the option to use the County's parking lot for a set number of years, and also an option on the remaining acreage for a set number of years.

Chairman Mitchell moved to table the issue until April 2, 2012. The motion was seconded by Commissioner Sides and passed unanimously.

4. DISCUSSION REGARDING RESCUE SQUAD FUNDING

Commissioner Sides said on November 9, 2011 he had made a request regarding the Rowan County Rescue Squad (Squad) to their attorney, Jeremy Carter. Commissioner Sides said 30 days later, he received a package of information that was deficient in a number of areas. Commissioner Sides said he had emailed Mr. Carter again on December 12, 2011 with details as to the areas of concern with the information provided. Commissioner Sides said he had still not received all the information requested.

Commissioner Sides said he met with Mr. Carter the latter part of last week regarding info left out and Mr. Carter indicated he would make every effort to provide the requested information by today. Commissioner Sides said he had received a number of emails prior to the meeting; however, he had not had the opportunity to review the emails to determine if they contained the requested information.

Commissioner Sides said based on the fact that he had not determined if all requested information had been received, he moved to defer payment to the Squad for thirty (30) days.

Commissioner Sides said Mr. Carter had been very cooperative in his efforts to acquire the information. Commissioner Sides stated Mr. Carter did not possess the information and had to obtain it from the Squad.

Commissioner Sides restated his motion was to withhold the Squad's funding for thirty (30) days until he could determine all the information had been supplied. Commissioner Sides said if within the thirty (30) days he could determine the information was received, he would notify the Finance Director to release the Squad's payment.

The motion was seconded by Commissioner Ford.

In response to an inquiry from Chairman Mitchell, Ms. Heidrick said the Squad's payment was scheduled for April 6, 2012.

Commissioner Sides said he would amend the motion to April 2, 2012. Commissioner Sides said if the information was received and with passage of the motion, the funding could be reinstated before the check was to be mailed.

Mr. Carter stated he believed the information requested by Commissioner Sides had been supplied via email earlier in the day. Mr. Carter continued by saying there was no court order that made the Squad a public agency and that he did his best to procure releases from Squad employees. Mr. Carter expressed hope the Board would give consideration to the fact that the Squad had attempted to get the information together.

Chairman Mitchell said the Board was well past the 30-day requirement to respond to the request for information. Chairman Mitchell said the delay was an issue. Chairman Mitchell said he realized it took time to obtain employee releases but the Board was receiving information 150 days after the request was made.

Commissioner Sides said he hoped to know within the next 7 days if all the information was provided. If so, Commissioner Sides said he would notify Finance to release the payment.

Commissioner Coltrain said if Commissioner Sides waited to review the information, it might put an undue hardship on the Squad. Commissioner Coltrain said he supported the request due to the Board's Funding Policy in place. Commissioner Coltrain said if Commissioner Sides waited to peruse the information, he would have a problem with the delay.

Commissioner Sides read from the Funding Policy and declared that he could not perform a thorough review of all transactions without the requested information. Commissioner Sides said he was willing to guarantee that he would notify Finance within 7 days as to whether to release the Squad's payment. Commissioner Sides said otherwise, the issue would come back to the Board for a decision.

Commissioner Barber said the Squad was going to follow through on its commitment to provide services regardless of the Board's decision. Commissioner Barber said he did not know how much the Squad had spent in attorney and CPA fees to obtain the requested information. Commissioner Barber then discussed a previous decision by the Board to build an airport hangar.

Chairman Mitchell said the Board would meet again before the payment was to be made and a different motion could be made if necessary, at that time.

After further discussion, the motion on the floor passed 3-2 with Commissioners Coltrain and Barber dissenting.

5. DISCUSSION REGARDING POSSIBLE MEETING WITH LEGISLATIVE DELEGATION

Chairman Mitchell said the North Carolina Association of County Commissioners (NCACC) was asking each county to schedule a meeting with its legislative delegation in March or early April to discuss priority concerns for the 2012 Short Session and to gather feedback on the Legislator's responses.

The Board members were in agreement to schedule a Special Meeting with its legislative delegation.

Chairman Mitchell asked the Clerk to the Board to contact the County's legislative delegation to coordinate a meeting date and advise the Board of the date.

6. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Health – To increase revenue and expenditures for Care Coordination for Children Program. Purchase laptops for staff and increase worker's compensation - \$8,000
- Library – Gift fund to purchase books and audio-visual materials for three (3) library locations - \$16,633
- Social Services – Additional Links funding for children to continue to live independently - \$5,000
- Social Services – Additional funding for Administration for Crisis Intervention Program. Increase line item for RHM contract administration - \$34,586

Commissioner Coltrain moved approval of the budget amendments as presented. The motion was seconded by Commissioner Ford and passed unanimously.

7. ADJOURNMENT

There being no further business to come before the Board, Commissioner Coltrain moved to adjourn at 7:09 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/
Assistant to the County Manager